

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

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Attorneys for Defendants
BAC Home Loans Servicing, LP and
ReconTrust Company, N.A.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DALE HARMS,

Plaintiff,

vs.

BAC HOME LOANS SERVICING, LP;
RECONTRUST COMPANY, N.A., AND DOES
1-10, INCLUSIVE,

Defendant.

Case No.: C11-02757 CW

**DEFENDANTS' AMENDED NOTICE OF
MOTION TO DISMISS PLAINTIFF'S
COMPLAINT**

Original Date: September 30, 2011
New Date: September 29, 2011
Time: 2:00 p.m.
Ctrm: 2 (4th Floor)

Compl. Filed: June 7, 2011

Honorable Claudia Wilken

1 PLEASE TAKE NOTICE that the Motion by Defendants BAC Home Loans Servicing, LP
2 and ReconTrust Company, N.A. (collectively, "Defendants") to Dismiss the Complaint filed herein
3 by Plaintiff Dale Harms ("Plaintiff"), which had been previously noticed for September 30, 2011, at
4 9:00 a.m., in Courtroom 11 of the United States District Court for the Northern District of California,
5 located at 450 Golden Gate Avenue, 19th Floor, San Francisco, California, will now be heard on
6 **September 29, 2011, at 2:00 p.m., in Courtroom 2, 4th Floor, located at 1301 Clay Street,**
7 **Oakland, CA** before the Honorable Claudia Wilken.

8 This Motion is based on this Amended Notice, the Notice of Motion and Motion to Dismiss
9 (Docket No. 14), Defendants' Request for Judicial Notice (Docket No. 15) and Defendants'
10 [Proposed] Order (Docket No. 16). This Motion has been fully briefed. *See* Plaintiff's Opposition
11 (Docket No. 19), Defendants' Reply (Docket No. 21) and Plaintiff's Sur-Reply (Docket No. 23).

12 DATED: August 4, 2011.

13 REED SMITH LLP

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15 By / s / Feather D. Baron
16 Feather D. Baron
17 Attorneys for Defendants BAC Home Loans
18 Servicing, LP and ReconTrust Company, N.A.
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CERTIFICATE OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. I am employed in the office of a member of the bar of this court at whose direction the service was made. My business address is REED SMITH LLP, 101 Second Street, Suite 1800, San Francisco, CA 94105-3659. On July 22, 2011, I served the following document(s) by the method indicated below:

DEFENDANTS' AMENDED NOTICE OF MOTION TO DISMISS PLAINTIFF'S COMPLAINT

☐ by transmitting via facsimile on this date from fax number +1 415 391 8269 the document(s) listed above to the fax number(s) set forth below. The transmission was completed before 5:00 PM and was reported complete and without error. The transmission report, which is attached to this proof of service, was properly issued by the transmitting fax machine. Service by fax was made by agreement of the parties, confirmed in writing.

☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this Declaration.

☐ by placing the document(s) listed above in a sealed envelope(s) and by causing personal delivery of the envelope(s) to the person(s) at the address(es) set forth below.

☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

☒ by placing the document(s) listed above in a sealed envelope(s) and consigning it to an express mail service for guaranteed delivery on the next business day following the date of consignment to the address(es) set forth below.

☐ by transmitting via email to the parties at the email addresses listed below:

Dale Harms
2063 Main Street
Suite 282
Oakley, CA 94561
Tel: 925.785.0389
Fax: 925.625.1211
Email: degarmo@sonic.net
[Plaintiff in Pro Per]

I declare under penalty of perjury under the laws of the United States that the above is true and correct. Executed on July 22, 2011, at San Francisco, California.

/s/ Linda I. Pringle
Linda I. Pringle